

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 15 November 2022, 2.00pm

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw and G Marsden

Also in attendance: M. Bridge (Licensing)
M. Cunliffe (Democratic Services)
M. Neatis (Environmental Health- Representor)
A. Green (Legal)
Ms A Morrison (Applicant)
Councillors T Rafiq and N Boroda
I Oldman- Bury Times (Press)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

Apologies for Absence: Mr B Thomson- Head of Public Protection
L Jones- Deputy Licensing Officer
Mrs Osbourne
Mrs Creegan

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Mr B Thomson- Head of Public Protection, L Jones- Deputy Licensing Officer, Mrs Osbourne and Mrs Creegan.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made although Councillor J Grimshaw stated the application was located within her Councillor ward.

3 APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF LIFE BABY SCANNING AND GIFTS, 109 PARR LANE, UNSWORTH, BL9 8JN

The Licensing Authority received an application to vary a Premises Licence under section 34 of the Licensing Act 2003 in relation to Life Baby Scanning and Gifts, 109 Parr Lane, Unsworth, BL9 8JN. Four representations have been received which consist of one from Environmental Health in their capacity as a responsible authority and three representations have been received from interested parties.

The applicant for the licence in respect of the above premises is Mumson Limited, Unit 22, Carrioca Business Park, 2 Sawley Road Manchester, M40 8BB, Miss Anna Theresa Morrison is the Designated Premises Supervisor (DPS) at these premises.

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.

Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

- the prevention of crime and disorder
- public safety
- prevention of public nuisance and
- protection of children from harm

The Licensing Unit Manager presented the report and explained the application was for the variation of a Premises Licence under Part 3 of the Licensing Act 2003.

The Current operating schedule was as follows:

Supply of alcohol – For consumption Off the Premises.
Monday to Sunday 09.00 to 21.00
Hours open to the Public
Monday to Sunday 09.00 to 21.00

The proposed variation to opening hours were:-

Supply of alcohol – For consumption On/Off the Premises.
Monday to Thursday 09.00 to 22.00
Friday to Sunday 09.00 to 23.45
Christmas Eve 23.00 to 00.30
New Years Eve 23.00 to 02.00
Easter Holidays 23.00 to 00.30
Bank Holiday Weekends 23.00 to 00.30

Performance of Live Music (Indoors)
Friday to Sunday 23.00 to 23.45
Christmas Eve 23.00 to 00.30
New Years Eve 23.00 to 02.00
Easter Holidays 23.00 to 00.30
Bank Holiday Weekends 23.00 to 00.30

Provision of Recorded Music (Indoors)
Friday to Sunday 23.00 to 23.45
Christmas Eve 23.00 to 00.30
New Years Eve 23.00 to 02.00
Easter Holidays 23.00 to 00.30
Bank Holiday Weekends 23.00 to 00.30

Provision of Late night Refreshment
Friday to Sunday 23.00 to 23.45

Christmas Eve 23.00 to 00.30
New Years Eve 23.00 to 02.00
Easter Holidays 23.00 to 00.30
Bank Holiday Weekends 23.00 to 00.30

Hours open to the Public
Monday to Thursday 09.00 to 22.00
Friday to Sunday 09.00 to 23.45
Christmas Eve 23.00 to 00.30
New Years Eve 23.00 to 02.00
Easter Holidays 23.00 to 00.30
Bank Holiday Weekends 23.00 to 00.30

It was noted that the timings on this licence predate the implementation of the Live Music Act 2012 which now permits licensed premises to have regulated entertainment (Live Music and Recorded Music) Monday to Sunday between 8.00 until 23.00, up to a maximum of 500 people.

The Environmental Health department at Bury Council had made representations in their capacity as a Responsible Authority. They had requested conditions contained at Appendix 1 in the agenda pack.

Three relevant representations have been received from interested parties against this application and these were included in Appendix 2 of the agenda packs. It was stated that representations on car parking was not a consideration of this Sub-Committee.

The Council's legal representative also highlighted that Councillors Rafiq and Boroda had not submitted any representations in their own right and were both in attendance at the meeting as observers in their capacity as ward Councillors only.

Extra information circulated prior to the meeting after publication of the agenda pack included:-

- A response to objections from the applicant.

The applicant Ms Anna Morrison explained the nature of the variation as they sold champagne and alcoholic gift packages but as there had been some issues at the premises due to flooding, they had chosen a different business model. She understood the responsibility of a licence upon herself and staff which included music levels being played so people could hold conversations at the premises and this would help any tenant living in the flat above the premises, which was now occupied. She was happy to negotiate on potential issues and would not cause a nuisance.

Michael Neatis had submitted a representation from the Environmental Health Service specifically about noise levels and the impact on the residential property above the premises. Live music and late hours could lead to potential noise complaints in the future.

Ms Morrison provided information that a survey had been conducted on the property and the joists were made of concrete and solid block within the walls. Wall panelling would be fitted along with a suspended ceiling installed, incorporating wool insulation

rather than compressed products as this helps with noise reductions. Any issues with music levels would be dealt with and speakers would be moved from ceiling height to a lower level to help minimise this impact.

The Licensing Unit Manager stated that the 3 representors were not present at the meeting.

Ms Morrison stated in summing up that she would manage the business in a correct manner and keep music to a reasonable level and provided an example of single musicians performing such as a violinist rather than bands. As the licensee, I will ensure that when the premises is open and licensable activity are taking place, that there are sufficient competent staff on shift at all times for the purpose of fulfilling all the licensing objectives and any conditions set on the license. A list of all staff nominated to sell alcohol will be listed in the bar file. As Licensee I shall ensure that all staff will undertake training in relation to their responsibilities to the sale of alcohol. This will include the individual's responsibilities, to verify proof of age. Records will be kept of training given to staff and will be updated at regular intervals. The licensing objectives will be displayed within the staff area and in the bar file. All staff will be aware of where the bar file is kept and of information to be recorded in the bar file. For example a refusal record, incident record form.

The Sub-Committee then duly retired to consider the application.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in April 2018

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant representations presented by all parties.

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations, the Sub-Committee found there was cause for concern so far as the promotion of the licensing objective of prevention of public nuisance was concerned.

The Sub-Committee did take into account the residential accommodation above and near the premises and the impact of music levels late in the evening, this caused concern over the licensing objective of prevention of public nuisance. In order to promote the licensing objective it was felt appropriate to grant the application but vary certain of the conditions as detailed below

It was therefore agreed unanimously, to grant the application subject to conditions provided by the applicant being adopted, the element involving the provision of 'Late night refreshment' from 23.00 being refused and the variation of the premises licence to the following hours:-

Supply of alcohol – For consumption On/Off the Premises.
Monday to Sunday 09.00 to 21.00

Performance of Live Music (Indoors)
Monday to Sunday 09.00 to 21.00

Provision of Recorded Music (Indoors)
Monday to Sunday 09.00 to 21.00

Hours open to the Public
Monday to Sunday 09.00 to 23.00

General

The Prevention of Crime and Disorder

- Any incidents that may occur of a criminal nature on the premises they will be recorded details taken where possible and reported to the Police.
- Recorded CCTV coverage will be maintained and recorded at the premises.
- Signage will be displayed in the customer areas to advise that CCTV is in operation.
- The CCTV system will have cameras placed to observe the entrance and exit doors both inside and outside.
- Cameras on the entrance will be able to capture full frame shots of the heads and shoulders of all people entering the premises.
- There will be cameras placed over the till areas and overlooking floor areas to give an overview of the premises.
- By having cameras in the above areas we should be capable of visually confirming the nature any crimes committed.
- All camera footage will provide a linked record of the date, time and place of any image.

- The footage will provide good quality images during opening times and operate under different light levels within and outside the premises.
- The recording device will be located in a secure locked area. There will be a monitor within the secure area to review images and recorded pictures.
- All managers will have access to the CCTV and have the knowledge on how to download footage if required.
- All our digital CCTV images will be stored for 28 days.
- If the Police ever need access to any CCTV footage, this will be available to them within a reasonable time frame.
- An incident log will be kept within the bar file to record details of any incidents that may of taken place.

Public Safety

- A risk assessment policy will be available in relation to the premises.
- Signage where necessary within the premises will be displayed to make customers aware of any safety precautions they may need to be aware of.
- CCTV will be in operation.
- Management will carry out safety checks where and when needed on a weekly, monthly or annual basis. To ensure we keep up to date with health & safety policy & risk assessments.
- Employers & public liability insurance will be in place.
- There will be sufficient lighting internally and externally to keep the staff and the public safe.
- Regular fire checks, servicing of fire detection and extinguishing equipment are in place.
- All staff are aware of where fire extinguishing equipment is kept and how to use it.
- Emergency procedures that staff need to be aware of are in place and displayed within the premises.
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- Emergency procedures that staff need to be aware of are in place and displayed within the premises.
- All staff will be aware of designated meeting place in case of an emergency.

The Prevention of Public Nuisance

- Signage will be displayed at the exit of the premises asking customers to leave quietly and to be respectful of residents within the area.
- Any person who refuses to leave the area, or is identified as causing anti- social behaviour, will be subject to a ban from the premises. A record of banned individuals will be recorded within the bar file and all staff made aware of any persons who are currently banned, so that any future entry would be refused.
- Any regulated music will be monitored from inside and outside the building to ensure it is kept within acceptable levels.

The Protection of children from Harm

- The premises operates a Challenge 25 policy. Any person attempting to buy alcohol who appears to be under 25 years will be asked for photographic ID to prove their age.
- Acceptable ID includes passport, driving license or proof of age cards which include a photograph.
- Suitable and sufficient signage advertising the “Challenge 25” policy is displayed in prominent locations within the premises.
- Staff will be trained in relation to proof of age and this will be recorded within the bar file.
- A refusal record will be recorded within the bar file.
- CCTV will be in operation.

COUNCILLOR S WALMSLEY

Chair

(Note: The meeting started at 2.00pm and ended at 3.38pm)